

REMARKS

The Applicants submit this Amendment and Request for Reconsideration in response to the Office Action mailed on 06 April 2007.

In the present Amendment, the Applicants amend claims 13, 15-16, 23, 25-26, and 33-38; no claims have been added or canceled. The Applicants respectfully submit that no new matter has been added by the amendment of such claims; the amended limitations are fully supported by the application as originally filed. The Applicants respectfully request entry of the Amendment and reconsideration of such claims.

In the Office Action of 06 April 2007, the Examiner rejected claims 7-16, 23-28, 33-38 under 35 U.S.C. § 103(a) as being unpatentable over Thome et al. (U.S. Patent Application Publication No. 2004/0203620) and further in view of Qu et al. (U.S. Patent Application Publication No. 2004/0203615). In response, the Applicants respectfully disagree and submit that all pending claims are allowable over the prior art of record for at least the following reasons.

For a proper rejection under § 103, the prior art in combination must teach or suggest each and every limitation of the claims. In addition, there must be an adequate suggestion or motivation to combine the teachings of the prior art.

With respect to all pending claims, the prior art in combination fails to teach or suggest each and every limitation of the claims. As is already well-established, Thome et al. describe an SMS message that includes a time stamp field, a time offset field, and a UTC/Local field. See Thome et al., "UTC or Local Field 624" and "Time Offset Field 620" in FIG. 6 as well as paragraphs 37, 41, and 45. In the rejection, the Examiner also directs the

Applicants' attention to paragraph 35 of Thome et al. which relates to the "UTC or Local Field 624" of the SMS message. Thus, the Applicants respectfully submit that Thome et al. fail to teach or suggest a *programmed indication* which is programmed as a fixed value for indicating a timestamp mode of operation of a home message center, for each one of a plurality of SMS messages. UTC or Local Field 624 data in Thome et al. does not teach or suggest any programmed indication which is programmed as a fixed value in any R-UIM to indicate a timestamp mode of operation of a home message center. The "UTC or Local Field 624" of Thome et al. is provided in each SMS message, on a message-by-message basis, and is not a programmed indication.

In the present techniques, the single programmed indication is programmed as a fixed value "for use with SMS message timestamps of each one of a plurality of SMS messages communicated between the home message center and the mobile communication device" as claimed. The programmed indication in the R-UIM of the present application relates to a UTC mode or non-UTC mode of operation of a home message center associated with the mobile device – not relating to an indication in the SMS message itself.

During prosecution, claims should be given their broadest reasonable interpretation. One ordinarily skilled in the art would interpret the claims as outlined above. If the Examiner is failing to interpret the claims as described above, then the Applicants respectfully submit that such interpretation is not reasonable.

Based on the above, the Applicants respectfully request for the allowance of all claims as amended.

As previously discussed, the Applicants respectfully submit that Thome et al. fail to explicitly teach or suggest a programmed indication which is programmed as a fixed value for indicating a timestamp mode of operation as claimed. Even if it did (which it does not), however, the Applicants also respectfully submit that there is no adequate reason why one ordinarily skilled in the art would modify the teachings of Thome et al. with any such programmed indication in memory of an R-UIM (not explicitly described in Thome et al.), programmed as a fixed value for indicating a timestamp mode of operation of a home message center.

In light of the Office Action of 06 April 2007, the Applicants respectfully submit that no adequate demonstration of obviousness has been made with respect to the present claims, for demonstrating that one of ordinary skill in the art would have combined the teachings of the prior art references to produce that which is claimed. To appropriately determine obviousness or non-obviousness, the following approach is utilized:

Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. *Graham vs. John Deere Co. of Kansas City*, 383 U.S. 1, pp 17-18 (1966).

In this analysis, it is helpful and instructive to consider whether there is any teaching, suggestion, or motivation to combine the teachings of the references, either explicitly or implicitly in the references themselves or in

the knowledge generally available to one of ordinary skill in the art, in a flexible and non-rigid manner.

In the latest Office Action, the Examiner's obviousness arguments on page 4 of the Office Action are stated as follows:

In an analogous art, Qu et al teaches the removable user identity module (Para. #0031,0045,0063). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Thome's et al by specifically adding feature removable memory in order to provide a user to use the removable user identity module with any other mobile device such that he/she can get the benefit of using the removable user identity module that are use to store various types of information use without having any inconvenience as taught by Qu et al.

In response, the Applicants respectfully disagree with the Examiner's assessment.

Comparing the two approaches (i.e. techniques of the present application and those of Thome et al.), the teachings of the present application utilize a *programmed indication* which is programmed as a fixed value for indicating a timestamp mode of operation of a home message center, for each one of a plurality of SMS messages. UTC or Local Field 624 data in Thome et al. does not teach or suggest any programmed indication which is programmed as a fixed value in any R-UM to indicate a timestamp mode of operation of a home message center. The "UTC or Local Field 624" of Thome et al. is provided in each SMS message, on a message-by-message basis, and is not a programmed indication. If such teachings of Thome et al. were to be modified as suggested by the Examiner, then this may defy common sense and thwart the primary intent and technique of Thome et al., which is to control the

timestamp alteration from within the SMS message itself and utilize timestamp-related information within the SMS message itself. As apparent, these techniques demonstrate two different approaches, and one approach may suggest a teaching away from the other approach.

Based on the above, there is no adequate reason why one of ordinary skill in the art would modify Thome et al. to provide a programmed indication which is programmed as a fixed value in a R-UIM as argued by the Examiner, for use with SMS message timestamps of each one of a plurality of SMS messages communicated between the home message center and the mobile communication device. Again, such modification may lead to altering the primary intent and technique of Thome et al., which is to control the timestamp alteration from within the SMS message itself and utilize timestamp-related information within the SMS message itself.

Other teachings of Thome et al. are ambiguous regarding whether any timestamp mode indication is stored in memory. In particular, as described earlier, statements in paragraph 43 of Thome et al. are ambiguous as to whether any indication would be stored in non-volatile memory or R-UIM. For example, the mobile station could use the "UTC or Local Field 624" of the SMS message for making processing decisions. The mobile station in Thome et al. is described to be "configured" or "set" to perform certain conversion functions but there is no explanation regarding what such configuration may entail. The Examiner also points out that Thome et al. describe various types of memory in paragraph 27; Thome et al., however, there is no association between any programmed indication and type of memory and device configuration. If the Examiner is arguing inherency in Thome et al, then the Examiner has failed to articulate an inherency argument as required by the MPEP. Probabilities

and possibilities in prior art teachings are insufficient for arguing inherency; the limitations must necessarily be present. Even assuming more, the programmed indication in the R-UI of the present application relates to a UTC mode or non-UTC mode of operation of a home message center associated with the mobile device – which is not the same as any configuration of a mobile device to operate in some manner.

With respect to the teachings of Qu et al., its altogether different focus of relates to filtering criteria for the filtering of broadcast messages from the wireless network. The Applicants respectfully submit that the Qu et al. teachings of providing broadcast message filtering criteria in an R-UI does not provide an adequate suggestion or motivation to provide "a programmed indication which is programmed as a fixed value for indicating a timestamp mode of operation of a home message center" in an R-UI. These types of data are very different from each other, and would not lead one skilled in the art to modify the teachings of Thome et al. to produce that which is claimed.

Thus, even if the advantages of the teachings of Qu et al. were considered, such teachings would need to be taken together with other considerations, including the considerations described above. The Applicants respectfully submit that, with all things considered, one ordinarily skilled in the art would not be motivated to combine the different teachings of the prior art references as the Examiner suggests.

The Applicants further submit that amended claims of the present application have been further limited in order to reduce the issues and place the present application in a condition suitable for allowance. The amended claims have been further defined as follows (exemplified by amended claim 13):

for each one of the SMS messages received via the home message center, the processor being operative to:

receive, via the home message center, an SMS message having timestamp data;

convert the timestamp data from a UTC format to a non-UTC format corresponding to a local time zone of the mobile station when the programmed indicator which is programmed as the fixed value in the R-UIM indicates that the timestamp mode of operation of the home message center is the UTC mode, the conversion being performed based on a programmed memory setting in the mobile station which indicates the local time zone of the mobile station; and

refrain from performing UTC-to-non-UTC format conversion of the timestamp data when the programmed indicator in the R-UIM indicates that the timestamp mode of operation of the home message center is the non-UTC mode; and

cause the visual display to display the timestamp.

As apparent from the above, the amended claims are now further limited to specify that the mobile equipment/mobile station is adapted to perform the actual UTC-to-non-UTC format conversion based on a programmed memory setting – not from within the SMS message itself – which indicate the local time zone of the mobile station. This approach does not require a large amount of overhead to be carried in each SMS message for the purposes of timestamp conversion. On the contrary, this allows SMS messages to carry minimal overhead data despite the

potential need for UTC-to-non-UTC timestamp conversion at mobile stations. Advantageously, when overhead data is reduced for message communications, additional data space in the messages is gained for other purposes and/or data throughput is increased.

In Thome et al., timestamp-related information are provided within the SMS message itself and relied upon by the mobile device for timestamp conversion. One of ordinary skill in the art would not look to modifying the teachings of Thome et al. to disregard the data from within the SMS message itself and/or reconstruct the data format of the SMS message, so that the mobile device would instead utilize local programmed memory settings as recited in the amended claims. In addition, Qu et al. do not describe any programmed memory setting which indicates the local time zone of the mobile device.

Such further limitations, in combination with the existing claim limitations and previously-provided arguments, define subject matter which is both novel and non-obvious over the prior art of record.

Further limitations in both the independent and dependent claims provide additional reasons for allowability of the claims, as apparent to those skilled in the art, but are not elaborated on at the present time based on the already-provided reasons for allowability of all pending claims.

Based on the arguments and amendments provided herein, the Applicants respectfully submit that the pending claims are now allowable over the prior art of record. The Applicants respectfully submit that the application is in a condition suitable for allowance, and request for withdrawal of all rejections of claims.

The Applicants encourage the Examiner to contact the undersigned if it helps to expedite prosecution of the present application. Thank you.

Respectfully submitted,

/John J. Oskorep/

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